

M-10-176

AH:JP

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

C O M P L A I N T

- against -

(T. 21, U.S.C. § 846)

EDDY RAFAEL GIL,

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

SYLVETTE REYNOSO, being duly sworn, deposes and says that she is a Special Agent with United States Immigration and Customs Enforcement ("ICE"), duly appointed according to law and acting as such.

Upon information and belief, on or about ^{February 22 8K} ~~January 14~~, 2010, within the Eastern District of New York and elsewhere, the defendant EDDY RAFAEL GIL, did knowingly and intentionally attempt to possess with the intent to distribute a substance containing heroin, a Schedule I controlled substance, and a substance containing cocaine, a Schedule II controlled substance, in violation of Title 21 U.S.C. § 841(a)(1).

(Title 21, United States Code, Section 846).

The source of your deponent's information and the grounds for her belief are as follows:^{1/}

^{1/} Because the purpose of this affidavit is merely to establish probable cause, I have not set forth all of the facts and

1. The defendant EDDY RAFAEL GIL is a citizen of the Dominican Republic. GIL lives in a residence located at 439 Forbell Street, Brooklyn, New York.

2. On or about February 12, 2010, Customs and Border Protection ("CBP") officers conducting an enforcement examination of mail from Panama were present at the Miami International Airport located in Miami, Florida, where they came upon a cardboard package wrapped in brown paper (Parcel No. CC083400318PA), measuring approximately 2' x 3'. The package was addressed to Carlos La Fronte, 499 Saint Johns Place, Apartment 1L, Brooklyn, NY 11210 and bore a printed return address of Rogelio Munoz, Loma Coba Casa #85, Arraijan, PA and a handwritten address of Rogelio Munoz Gill, Loma Coba Casa #85, Arraijan, PA.

3. Upon opening the package, the CBP officers found two stereo speakers. Concealed within one of the speakers was a white powdery substance that field-tested positive for cocaine. Within the other speaker was a beige powdery substance that field-tested positive for heroin. In total, the cocaine recovered from the package has an estimated weight of approximately 1.5 pounds. In total, the heroin recovered from the package has an estimated weight of approximately 1.5 pounds.

4. On or about February 18, 2010, ICE Special Agents inserted sham material into the package. Additionally, pursuant

circumstances of which I am aware.

to a search warrant, ICE Special Agents concealed an electronic trip-wire device inside the package. Thereafter, U.S. Postal Inspection Service ("USPIS") inspectors, along with ICE Special Agents went to 499 Saint Johns Place, Apartment 1L, Brooklyn, NY 11210 with the package. When the USPIS inspector knocked on the door of the house, Jane Doe answered and signed for the package.

5. Several hours after Jane Doe accepted the package from the USPIS inspector, ICE Special Agents were alerted by the electronic trip-wire device that the package had been opened. Pursuant to the search warrant, ICE Special Agents then entered the premises located at 499 Saint Johns Place, Apartment 1L, Brooklyn, NY 11210, and found the defendant EDDY GIL standing in the front room of the house next to the package, which had been opened. After being given Miranda warnings, EDDY GIL stated, in sum and substance, that he agreed to receive narcotics in the mail in exchange for payment.

WHEREFORE, your deponent respectfully requests that the defendant EDDY GIL be dealt with according to law.

S/A Reynoso
SYLVETTE REYNOSO
Special Agent
United States Immigration and
Customs Enforcement

Sworn to before me this
23rd day of February, 2010

The Honorable Cheryl L. Pollak
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK